

**DEPARTMENT OF STATE REVENUE**

**LETTER OF FINDINGS NUMBER: 93-0771 CSET**

**CONTROLLED SUBSTANCE EXCISE TAX  
FOR TAX PERIODS: 1993**

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**ISSUE**

**1. Controlled Substance Excise Tax: Imposition**

**Authority:** IC 6-7-3-5, IC 6-8.1-5-1(b).

Taxpayer protests the assessment of Controlled Substance Excise Tax.

**Statement of Facts**

Taxpayer was arrested for dealing and possession of marijuana. The Indiana Department of Revenue issued a record of Jeopardy Finding, Jeopardy Assessment Notice and Demand on July 20, 1993 in a base tax amount of \$41,808.00. Taxpayer filed a protest to the assessment. A hearing on the protest was scheduled for 10:00 a.m. on December 13, 2000. Taxpayer was notified of the hearing at his last known address. Taxpayer did not appear for the hearing. Further facts will be provided as necessary.

**Controlled Substance Excise Tax: Imposition**

**Discussion**

IC 6-7-3-5 imposes the Controlled Substance Excise Tax on the possession of marijuana in the State of Indiana. Taxpayer has the burden of proving that the assessment is incorrect. IC 6-8.1-5-1(b). Since Taxpayer did not appear at the hearing or offer any written information in lieu of a hearing, the Department must rely on the contents of the file in making a decision on the matter. The Police Incident Report indicates that Taxpayer possessed the marijuana upon which tax was assessed. Therefore, the tax properly applies to Taxpayer in this situation.

**Finding**

Taxpayer's protest is denied.